

RA 11-145

TREASURY DEPARTMENT,

*February 21, 1888.*

SIR: Referring to House bill No. 1526, to prevent the introduction of contagious diseases and to establish a Bureau of Health, I transmit herewith, for the information of the committee, a brief prepared by the Supervising Surgeon-General of the Marine-Hospital Service, giving reasons why the bill should not become a law.

Very respectfully,

C. S. FAIRCHILD,

*Secretary.*

The Honorable MARTIN L. CLARDY,

*Chairman Committee on Commerce, House of Representatives.*

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TREASURY DEPARTMENT,  
OFFICE SUPERVISING SURGEON-GENERAL, U. S. M.-H. S.,

February 23, 1888.

SIR: Referring to the bill (H. R. 1526) and to the report thereon, 498, I have the honor to inform you that the bill if passed would change the present system of the conduct of national sanitary affairs, and, as I shall hereafter point out, such change would not, in my opinion, be consistent with economy or efficiency.

It is somewhat singular that the principal law sought to be repealed by the operations of the proposed act is not referred to by name. The law now in force is as follows:

An act to prevent the introduction of contagious or infectious diseases into the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no vessel or vehicle coming from any foreign port or country where any contagious or infectious disease may exist, and no vessel or vehicle conveying any person or persons, merchandise or animals, affected with any infectious or contagious disease, shall enter any port of the United States or pass the boundary line between the United States and any foreign country, contrary to the quarantine laws of any one of said United States, into or through the jurisdiction of which said vessel or vehicle may pass, or to which it is destined, or except in the manner and subject to the regulations to be prescribed as hereinafter provided.

SEC. 2 That whenever any infectious or contagious disease shall appear in any foreign port or country, and whenever any vessel shall leave any infected foreign port, or, having on board goods or passengers coming from any place or district infected with cholera or yellow fever, shall leave any foreign port, bound for any port in the United States, the consular officer, or other representative of the United States at or nearest such foreign port shall immediately give information thereof to the Supervising Surgeon-General of the Marine-Hospital Service, and shall report to him the name, the date of departure, and the port of destination of such vessel; and shall also make the same report to the health officer of the port of destination in the United States, and the consular officers of the United States shall make weekly reports to him of the sanitary condition of the ports at which they are respectively stationed; and the said Surgeon-General of the Marine-Hospital Service shall, under the direction of the Secretary of the Treasury, be charged with the execution of the provisions of this act, and shall frame all needful rules and regulations for that purpose, which rules and regulations shall be subject to the approval of the President, but such rules and regulations shall not conflict with or impair any sanitary or quarantine laws or regulations of any State or municipal authorities now existing or which may hereafter be enacted.

SEC. 3. That it shall be the duty of the medical officers of the Marine-Hospital Service and of customs officers to aid in the enforcement of the national quarantine rules and regulations established under the

preceding section; but no additional compensation shall be allowed said officers by reason of such services as they may be required to perform under this act, except actual and necessary traveling expenses.

SEC. 4. That the Surgeon-General of the Marine-Hospital Service shall, upon receipt of information of the departure of any vessel, goods, or passengers from infected places to any port in the United States, immediately notify the proper State or municipal and United States officer or officers at the threatened port of destination of the vessel, and shall prepare and transmit to the medical officers of the Marine-Hospital Service, to collectors of customs, and to the State and municipal health authorities of the United States weekly abstracts of the consular sanitary reports and other pertinent information received by him.

SEC. 5. That whenever, at any port of the United States, any State or municipal quarantine system may now, or may hereafter exist, the officers or agents of such system shall, upon the application of the respective State or municipal authorities, be authorized and empowered to act as officers or agents of the national quarantine system, and shall be clothed with all the powers of United States officers for quarantine purposes, but shall receive no pay or emoluments from the United States. At all other ports where, in the opinion of the Secretary of the Treasury, it shall be deemed necessary to establish quarantine, the medical officers or other agents of the Marine-Hospital Service shall perform such duties in the enforcement of the quarantine rules and regulations as may be assigned them by the Surgeon-General of that Service under this act: *Provided*, That there shall be no interference in any manner with any quarantine laws or regulations as they now exist or may hereafter be adopted under State laws.

SEC. 6. That all acts or parts of acts inconsistent with this act be, and the same are hereby, repealed.

Approved April 29, 1878.

Under this law, the operations of which were temporarily suspended during the period of four years while the National Board of Health quarantine act was in force, the present national sanitary affairs are managed, with the addition that the authority for maintaining quarantine and maritime inspections at points of danger is conferred by the various appropriation acts to be hereafter cited.

The committee having charge of this subject may not have had the time to pass in review the various legislative acts passed from time to time and which have led up to the present law and those subsequent thereto.

The present system of regulating and controlling the affairs of the public health of the nation has been reached only after long experience and after repeated and varied legislation. The first law passed by Congress which had for its purpose the placing of the control and management of the affairs of the public health in the hands of the public officers of the Government was passed on the 16th of July, 1798, and was entitled "An act for the relief of sick and disabled seamen." This act simply authorized the President to appoint, in such ports as he might think proper, persons to be called directors of the marine hospitals for their respective ports, and their duties under the act were defined to be mainly to provide for the accommodation of sick and dis-

abled seamen at their respective ports, under such general instructions as should be given from time to time by the President of the United States for that purpose. (*1 Statutes at Large*, p. 605.)

February 25, 1799, Congress passed another act, entitled "An act respecting quarantine and health laws," which, in substance, placed the management of the public health and quarantine service under the control of the Secretary of the Treasury. (*1 Statutes at Large*, p. 619.)

These acts remained in force without material change until June 29, 1870, when Congress, which provided that the Secretary of the Treasury should from time to time appoint a surgeon to act as supervising surgeon of the Marine-Hospital Service, and also that this supervising surgeon should, *under the direction of the Secretary of the Treasury*, supervise all matters connected with the Marine-Hospital Service, and the disbursement of the fund for the relief of sick and disabled seamen, and that he should make monthly reports to the Secretary of the Treasury. (*Revised Statutes*, sec. 4802.)

On the 3d of March, 1875, Congress amended this act and provided that the appointment of the Supervising Surgeon-General of the Marine-Hospital Service should be made by the President of the United States. (*Supplement to Statutes*, p. 158, sec. 1.)

On the 29th of April, 1878, Congress passed another act, conferring upon the Surgeon-General of the Marine-Hospital Service, under the direction of the Secretary of the Treasury, full power and authority to enforce the quarantine laws of the United States, but this act carried with it no appropriation. (*Supplement to Statutes*, p. 313, chap. 66.)

Thus it will be seen that to this time, and down to the establishment of the National Board of Health by Congress on the 3d of March, 1879, the control of the quarantine service and the administration of the affairs of the public health, so far as they were directed and controlled by the Government, by law remained under the control of the Secretary of the Treasury.

At this time, March 3, 1879, the system of the management of the affairs of the public health of the United States was radically and entirely changed. As has been stated, Congress took the control of this branch of the administration of the Government out of the hands of the Secretary of the Treasury, and placed it under the control of the National Board of Health, this Board being created by act of Congress of March 3, 1879, and its full powers and duties being conferred upon them by that act and by the subsequent act of June 2, 1879. The debates in Congress show that application had been made to Congress from time to time for the establishment of various forms of a national board of health, and the placing control of the affairs of the public health under a board or an association of gentlemen who, acting in connection with and in co-operation with the various State boards of public health, and with the various local boards of health in the different States, were to have the entire management and control, under a system to be established by them, of the public health of the nation. These debates further show that the question of whether such radical change should be made or not was a matter of very serious consideration by Congress, and it was only after long debate, and after strenuous effort had been made to secure the passage of the bill, that Congress finally consented to take the control of the quarantine service out of its then present management, and they only did so, as the act shows, with the understanding and under the express provision inserted in the law that it should be an experiment.

The act provided—

SEC. 10. This act shall not continue in force for a longer period than four years from the date of its approval.

The four years terminated June 1, 1883. Prior to this time, however, Congress, in obedience to public demand, had taken from the National Board of Health the control of the fund appropriated to aid in preventing the spread of disease; and in the sundry civil appropriation bill for the year 1882 it was provided that—

The President of the United States is hereby authorized, in case of a threatened or actual epidemic, to use a sum not exceeding one hundred thousand dollars in aid of State and local boards, in his discretion, in preventing and suppressing the spread of the same. (*Statutes at Large*, vol. 22, p. 315.)

This provision was carried into the appropriation act for 1883, with an amendment, by adding the words "*and maintaining quarantine at points of danger*" (*Statutes at Large*, vol. 22, p. 613), and this language has been followed in subsequent appropriation acts.

The other acts in force it is not important to call to the attention of the committee, as they do not affect the question under discussion further than to give the committee a reference to the same.

*April 18, 1879, Statutes at Large*, vol. 21, p. 49.

*June 14, 1879, Statutes at Large*, vol. 21, p. 50.

*June 16, 1880, Statutes at Large*, vol. 22, p. 266.

*July 7, 1884, Statutes at Large*, vol. 23, p. 207.

*March 3, 1885, Statutes at Large*, vol. 23, p. 496.

*August 4, 1886, Statutes at Large*, vol. 24, p. 237.

*March 3, 1887, Statutes at Large*, vol. 24.

The fact that Congress, yielding to the public demand (see debates in Congress), had seen fit to take the disposition of the moneys appropriated by them for the years 1882 and 1883 out of the hands of the National Board of Health and place it under the control of the President of the United States, and that he directed it to be used under the direction of the Secretary of the Treasury is significant as showing the popular feeling regarding the management of this branch of the Service by the National Board of Health, and has undoubtedly been the cause of this attack upon the Secretary, and the reason for the introduction of the present bill.

Regarding this matter, however, if the President was to be guided by the intention of Congress, he had no other course to pursue.

(*Debates in Congress*, vol. 14, part 3, 2d session, 17th Congress, p. 3022.)

The foregoing are the acts which have been passed by Congress from time to time on this subject.

Regarding the pending bill, I submit—

First. That the laws now in force meet all the requirements of this bill; and

Second. If the bill should become a law, it would have no further result than to create positions to be filled by appointment, and involve the Government in needless and unnecessary expense.

Section 1 of the bill is as follows:

That there shall be established in the Department of the Interior a Bureau of Public Health. There shall be appointed from civil life by

the President, by and with the advice and consent of the Senate, a Commissioner of Health, who shall be intrusted with the management of the Bureau herein established. He shall be paid an annual salary of four thousand five hundred dollars. For his use the Secretary of the Interior shall provide suitable offices, and, with the approval of the same, he shall employ such assistants and clerks as may be necessary.

This section creates a new officer, with a larger salary than that now allowed by law to the Supervising Surgeon-General. It directs that new offices shall be procured for him, and gives authority for the employment of assistants and clerks without limit, and without defining the salaries to be paid them. The providing of new offices naturally would include office-furniture. The luxurious furniture purchased for the National Board of Health, which at last accounts lay in a storage warehouse in this city, tells a mute but rather interesting story of the lamentable failure and losses attending experiments of this kind. No measure can surely be said to be in the interest of economy which is so loosely drawn as this in regard to unlimited employment; and if there were no other reason for the recommitment of this bill, this alone would be sufficient reason.

Section 2 is as follows :

That it shall be the duty of the Department of State to obtain from the consular officers at foreign ports and places all available information in regard to the sanitary condition of such ports and places, and to transmit the same to the Bureau of Health; and said Bureau shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States; and shall prepare, publish, and transmit to the medical officers of the Marine-Hospital Service, to collectors of customs, and to State and municipal health officers and authorities, weekly abstracts of the consular sanitary reports and other pertinent information received by said Bureau; and shall also, as far as it may be able, by means of the voluntary co-operation of State and municipal authorities, of public associations, and private persons, procure information relating to climatic and other conditions affecting the public health; and shall make an annual report of its operations to Congress, with such recommendations as it may deem important to the public interests; and said report, if ordered to be printed by Congress, shall be done under the direction of the Bureau. That the necessary printing of the Bureau of Public Health shall be done at the Government Printing Office, upon the requisition of the Commissioner of Health, in the same manner and subject to the same provisions as other public printing for the several Departments of the Government.

The principal portion of this section is a transcript of the act of April 29, 1878, under which the duty is now performed by the Supervising Surgeon-General. The following is the form on which consular officers make their reports for the information of this office. It is a slight

modification of the form formulated by my distinguished predecessor, the late Dr. John M. Woodworth.

FORM 1974.

—, —, 18—.

To the Honorable THE SECRETARY OF STATE,  
Washington, D. C., United States of America:

In compliance with the act of April 29, 1878, I have the honor to make the following report of contagious diseases, and deaths occurring therefrom, at this place during the week ended —, 18—, for the information of the Surgeon-General of the Marine-Hospital Service:

	Cases.	Deaths.	Cases treated in hospitals (military, civil, and private).	Deaths in hospitals (military, civil, and private).
Cholera.....				
Yellow fever.....				
Small-pox.....				
Typhus fever (or ship fever).....				
Enteric (or typhoid) fever.....				
Scarlet fever.....				
Diphtheria.....				
Plague.....				
Totals.....				

Total deaths from all causes during the week reported, —.  
Population according to census of —, 18—, —.  
Present officially estimated population, —.  
Weekly mean of thermometer, —; weekly mean of barometer, —.  
Prevailing diseases, (and other pertinent information).

Very respectfully,

—, —, U. S. —.

Consular officers also make the following report on a form devised some years ago by myself:

FORM 1971.

Abstract of bills of health issued at —, during the week ending —, 188—.

No. of bill of health.	Date.	Vessel name, and rig.	Destination.	Sanitary condition of vessel.	Sanitary condition of cargo.	Sanitary condition of crew.	Sanitary condition of passengers.	Sanitary condition of port.	Remarks.
									(Here state whether vessel was at infected docks, number of days or hours in port, and such other facts as may be of importance.)

Number of deaths from yellow fever at this port during the week ending —, —, —.  
Number of deaths from cholera at this port during the week ending —, —, —.  
Number of deaths from small-pox at this port during the week ending —, —, —.

I certify, on honor, that the foregoing is a correct report.

—, —, —,  
Sanitary Inspector, U. S. Marine-Hospital Service.

In times of threatened epidemic, when it is deemed necessary to employ inspectors where an epidemic exists, and at Havana, from whence

we are continually threatened with yellow fever, the following form is used :

*Weekly report of inspection of persons and things at ———, for the week ending ———  
—, 188—.*

Date.	No. and sanitary condition of persons.	Condition of baggage.	Condition of merchandise.	Where from.	Destination.	Remarks. (Here state what action was taken, and such other facts as may be of importance.)

I certify on honor that the above is a correct statement of the number and sanitary condition of persons who have passed or attempted to pass through ——— during the week, together with the condition of their baggage, merchandise, &c.

*Sanitary Inspector, U. S. M.-H. S.*

In addition, consular officers are required to report by telegraph when a new outbreak of epidemic disease occurs in their respective districts, and medical officers proper and acting assistant surgeons are stationed at the ports along the coast, interior rivers, and the great lakes. It is their duty, under the regulations, to familiarize themselves with the local health laws of the place where they happen to be stationed, and to promptly report to the local authorities and to the Department at Washington any epidemic which may come to their knowledge. That is a part of their duties by regulation, and has been for years.

The following paragraphs govern them in this matter (*see Regulations*):

Medical officers and acting assistant surgeons of the Marine-Hospital Service will inform themselves fully as to the local health laws, and the regulations based thereon, and in force at their respective ports and stations, and will comply strictly therewith.

Medical officers and acting assistant surgeons of the Marine-Hospital Service are, under the direction of the Supervising Surgeon-General, required to observe and to aid in executing the quarantines and other restraints established by the health laws of any State, and to report forthwith to the said Surgeon-General any important event or fact that may come to their knowledge bearing upon the importation, outbreak, or spread of cholera, yellow fever, small-pox, typhus, or other epidemic disease, at or near their respective stations.

Furthermore, voluntary reports are now furnished by nearly every health officer in the United States in exchange for the reports of this office. (Although the quarantine service is not directly touched upon

in the bill under consideration, except by implication in another section, it is proper to say that during the quarantine season each year the Secretary of the Treasury has directed the cruising cutters of the revenue service, our coast guard, to aid the national and local quarantine officers by promptly sending to quarantine any vessel found with infectious disease on board.) Based on this information, weekly abstracts of the sanitary information thus obtained are now issued by the Supervising Surgeon-General, as the law directs, to every quarantine and health officer in the United States, so far as the bureau has knowledge of them, and in every case where immediate information is necessary for safety of any port such information has been transmitted by telegraph. It surely cannot be pretended that the new commissioner could have any more authentic sources of information or that he would be any more diligent in its transmission. The printing is now provided for under the general provisions of law providing for printing for the Treasury Department.

Section 3 of the proposed bill provides—

That the Commissioner of Health shall, under the direction of the Secretary of the Interior, frame rules which, when approved by the President and issued by the Department of State, shall serve for the instruction of consular officers of the United States and of the medical officers serving at any foreign port. In compliance with these rules, every master of a vessel destined for a port of the United States shall be furnished with a certificate containing a detailed statement of the inspection of the vessel, cargo, crew, and passengers, and of the sanitary measures carried out at the expense of the vessel; or if such measures are not carried out, instant warning shall be transmitted to the Bureau, who shall immediately notify the quarantine authorities of the port of destination.

By request of the State Department, rules have already been framed by this Bureau, approved by the Secretary of the Treasury, and adopted by the Secretary of State, incorporated in the consular regulations, and approved by the President, covering the proposition in this section. The proof has been read by the proper officer of the State Department, and the volume, I am informed, will soon be ready for issue, and the adoption of this bill would require them to be again gone over by a person doubtless without the experience in these matters that time and practice can alone give, or else appropriated bodily by the new officer.

Section 4 provides—

That the bureau of Public Health shall, with the approval of the Secretary of the Interior, make investigations, both in the United States and, if necessary, in foreign countries, into the nature, origin, and prevention of contagious and epidemic diseases, as well as the causes and conditions of particular outbreaks of disease in the United States, and

shall publish and distribute documents relating to the prevention of disease.

These investigations have been constantly going on ever since the enactment of the law of 1878; every epidemic of yellow fever has been investigated by officers of this Service and, with the single exception of that of 1878, printed in full in the annual reports of this Service. That exception was turned over to the National Board of Health, and has for several years lain unprinted, although the most exhaustive investigation ever undertaken of a similar epidemic. When the epidemic of cholera appeared in Spain, the President of the United States, in obedience to the general demand for investigation, sent a well-known medical gentleman from Philadelphia to investigate the progress and causes of that epidemic, and Congress has authorized the publication of the report. And still more recently a medical officer of the Army was detailed to report to the Secretary of the Treasury and to proceed to Brazil and Mexico for the purpose of investigation of the method practiced in those countries for the alleged prevention of yellow fever by the method of inoculation. That investigation was conducted under minute instructions prepared by the Supervising Surgeon-General and approved by the President. This investigation is now going on, and will at an early day be made public.

Section 5 provides—

That the President is authorized, when requested by the Bureau of Public Health, and when the same can be done without prejudice to the public service, to detail officers from the several Departments of the Government for temporary duty, to act under the direction of said Bureau, to carry out the provisions of this act; and such officers shall receive no additional compensation except for actual and necessary expenses incurred in the performance of such duties. When a detail of suitable officers cannot be made, the Commissioner of Health may employ such experts, and for such time and in such manner as the funds at the disposal of the bureau may warrant.

This confers a power on the President which he already has and has repeatedly exercised, as already shown in the comment on the preceding section.

Section 6 is as follows:

That to defray the expenses incurred in carrying out the provisions of this act, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to be disbursed under the direction of the Secretary of the Interior, on the requisition of the Commissioner of Health.

Section 7 provides—

That an act entitled "An act to prevent the introduction of contagious and infectious diseases into the United States, and to establish a

National Board of Health," approved March third, eighteen hundred and seventy-nine, and all other acts and parts of acts conflicting with the provisions of this act are hereby repealed.

So much of this section as provides for the repeal of the act creating the National Board of Health is doubtless wise, as that body has neither any well-defined duty under the act of March 3, 1879, nor any appropriation available for performing any shadowy duty that might possibly be found for them. The Board have not held any meeting for several years, but some officer representing them has each year submitted an estimate for their annual salaries, which has been disallowed by Congress. Suit was recently brought by one of their number, claiming to act as secretary, in the Court of Claims, but the case was decided adversely.

Section 8 provides—

That this act shall take effect sixty days after its passage, within which time the Commissioner of Health shall be appointed, subject to the approval of the Secretary of the Interior.

This section is in apparent conflict with the first section of the bill, which provides that the proposed Commissioner of Health shall be appointed by the President, by and with the advice and consent of the Senate, while the one under consideration says he shall appoint within sixty days, "subject to the approval of the Secretary of the Interior"—a rather singular limitation to place upon the appointing power.

Having thus shown the fact that the bill is generally defective in its provisions, and that the service sought to be performed by it is already in successful operation, little argument would seem to be needed to show, not only that the bill should be recommitted for revision, but that it ought not to become a law.

The single branch of investigation not touched upon in my remarks upon the bill thus far is that relating to the adulteration of foods, and that service is now efficiently performed by the chemist of the Agricultural Department, by direction of the Commissioner, under authority of the appropriation act of March 3, 1887. Futhermore, the various examiners of drugs, attached by authority of law to the appraisers' offices at the various custom-houses, may and do examine articles of food supply admitted to entry. The one article of tea has been made the subject of special legislation.

I submit that this bill cannot be regarded in any manner as adding to the efficiency of the Service; and when its generally loose provisions regarding expenditures are considered, it must be viewed, in my opinion, as adding materially to the expenses of the public service without adequate return.